

## REMARKS

### *Status of the Claims*

The claims starting with the second instance of Claim 33 have been renumbered as --Claims 34-44--, respectively. In addition, Claims 30, 31, 40, and 41 have been amended and Claims 22-29, 32-39, and 42-44 4 have been canceled without prejudice or disclaimer of the subject matter recited therein. Claims 30, 31, 40 and 41 have been amended and are independent.

### *Requested Action*

Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding objection and rejection in view of the foregoing amendments and the following remarks.

### *Claim Objections*

Claims 30 and 39 are objected to because = should read =, and Claim 43 is objected to because it should depend from Claim 33. In response, while not conceding the propriety of the objection, Claims 30 and 39 (which has been renumbered as Claim 40) have been amended to address the points raised by the Examiner and Claim 43, which has been renumbered as Claim 44, has been canceled without prejudice, thereby rendering the objections moot. Accordingly, Applicant respectfully requests that the objections be withdrawn.

Claims 33 (second occurrence) through 43 are objected to because they should be renumbered as 34-44, respectively. In response, while not conceding the propriety of the objection, these claims have so been redrafted, thereby rendering the objection moot. Accordingly, Applicant respectfully requests that the objection be withdrawn.

Claim 39, which has been renumbered as Claim 40, is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, because there “is inadequate disclosure of how to come up with this equation  $G_{curr} = G_{max} \times \sqrt{W_{curr} / W_{max}}$ ” recited in Claim 39. In response, while not conceding the propriety of the rejection, renumbered Claim 40 has been amended to address the points raised by the Examiner by no longer reciting the objected to formula and instead recites a formula supported at least by paragraph [0057] in the specification. Accordingly, Applicant submits that as amended, this claim now even more clearly satisfies 35 U.S.C. § 112, first paragraph. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

#### *Allowable Subject Matter*

Claims 30, 31, and 40 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form.

In response, these claims (Claim 40 having been renumbered as Claim 41 and Claim 30 having also been amended to revise the formula recited therein, which amendment is supported at least by paragraph [0048]) have been redrafted in independent form. Therefore, Applicant respectfully requests that these claims now be allowed.

### *Substantive Rejection*

Claims 22-29, 32-39, and 42-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,432,766 (Ando, et al.) in view of Figures 6-8 and paragraphs [0005], [0011], [0012], and [0019] of the present application.

In response, while not conceding the propriety of the rejection, Claims 22-29, 32-38, and 42-44 have been canceled without prejudice, thereby rendering the rejection of these claims moot. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

With respect to the rejection of Claim 39, which has been renumbered as Claim 40, this claim has been amended. As amended, this claim now recites that the circuit configured to adjust the servo-loop gain of focusing servo control adjusts the servo-loop gain so that when a servo gain at a highest rotation frequency  $W_{max}$  is represented by  $G_{max}$ , and a rotation frequency is represented by  $W_{curr}$ , a servo gain  $G_{curr}$  satisfies the following relationship:

$$G_{curr} = G_{max} \times W_{curr} / W_{max}.$$

In contrast, neither the patent to Ando, et al., nor Figures 6-8 and paragraphs [0005], [0011], [0012], and [0019] of the present application are understood to disclose or suggest that  $G_{curr}$  satisfies this equation. Moreover, the Office Action does not specify the portions of this art allegedly disclosing these features of Claim 40. Therefore, since MPEP § 2142 requires the cited art to disclose or suggest all the claimed features to establish a prima facie case of obviousness, and since here, Applicants submit that the cited art fails to disclose or suggest at least one feature of this claim, Applicants further submit that the Office has not yet

established a prima facie case of obviousness against amended and renumbered Claim 40.

Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

*Conclusion*

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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